

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CEDAR FALLS UTILITIES	DOCKET NO. E-21647
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ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE

(Issued December 23, 2004)

On May 27, 2004, Cedar Falls Utilities (Cedar Falls) filed a petition with the Utilities Board (Board) for an electric franchise to build approximately 2 ½ miles of three-phase 161 kV electric transmission line in Black Hawk County, Iowa. The proposed transmission line would connect the existing Union Substation to a new industrial park subdivision and would provide a second source of power to the substation. On June 4, 2004, Cedar Falls amended the petition. The petition has been identified as Docket No. E-21647. Objections to the proposed transmission line have been filed. Cedar Falls has not requested eminent domain in the petition.

On November 23, 2004, Board staff filed a report concerning the electric transmission petition and route. The report requests additional information from Cedar Falls, to be provided in prefiled testimony or at hearing, on several issues. The report also proposes certain questions be addressed to one of the objectors.

Iowa Code § 478.6 (2003) requires the Board to set a hearing to consider a petition for an electric franchise if an objection is filed or eminent domain is requested. The Board finds that the petition substantially meets procedural

requirements and should be set for hearing. The Board will assign the petition to the administrative law judge to establish a procedural schedule and set a hearing date.

Iowa Code § 478.6 provides that if a hearing is required and the proposed line is more than one mile in length, the hearing must be held in the county seat of the county at the midpoint of the proposed line. The hearing should be held in Waterloo, Iowa, since the length of the proposed transmission line exceeds one mile and it is located entirely in Black Hawk County.

IT IS THEREFORE ORDERED:

Docket No. E-21647 is assigned to the Board's administrative law judge to establish a procedural schedule, schedule a hearing, and exercise the authority provided in 199 IAC 7.1(4).

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 23rd day of December, 2004.